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October 29, 2020

Via ECF

The Honorable Sanket J. Bulsara
United States Magistrate Judge
United States District Court

Re: *Kelly Irish v. Tropical Emerald LLC and Rainbow USA, Inc.*

Docket No. 1:18-cv-00082-PKC-SJB

Dear Judge Bulsara:

We represent the plaintiff in the above-entitled action. We write to respectfully ask the Court to deny defendants' motion to designate Dominic Marinelli as an expert in the event that the Court declines the potential resolution proposal described on the first page, second paragraph, of defendants' letter of October 22, 2020. (See ECF Document # 39). Plaintiff has no objection to proceeding with the current discovery limited to the two depositions of defendants' witnesses with the possibility that the Court permit the production of plaintiff's medical records and/or allow plaintiff to be deposed again.

Over two years ago, on May 28, 2018, plaintiff served defendants with her expert disclosures inclusive of an expert report. Nothing and no one prevented defendants from serving plaintiff with an expert disclosure in the two years since May 2018. *Chen v. New Trend Apparel Inc.*, 2014 WL 1265916, at *20 (S.D.N.Y. Mar. 27, 2014) ("[G]ranting a continuance at this stage for purposes of allowing further expert discovery would prolong what has become a long and tortuous case history, and would reward the ... defendants for disregarding this court's [discovery deadline] orders by imposing on the other parties at this late stage the need to invest significant time and expense There being no to justify further prolonging this litigation, defendant application must be denied.").

Plaintiff respectfully refers the Court to plaintiff's motion to strike (see ECF Document #41) for all the reasons why defendants' application lacks merit and should be denied. Thank you for your time and attention to this matter. With kindest regards, I am

very truly yours,

/s/

Glen H. Parker, Esq.